

**TOWN OF CRESTONE  
BOARD OF TRUSTEES  
SPECIAL MEETING  
TUESDAY MARCH 7, 2017 AT 1:30 PM  
CRESTONE EAGLE OFFICE, 180 W. GALENA AVE., CRESTONE, CO**

**MINUTES**

1. **Call to Order** – The meeting was called to order at 1:42 pm.
2. **Roll Call** – Present were Trustees Diane Bairstow, Benjamin Byer, and Kizzen Laki. Trustees Terry Goergen and John Grotenhuis were absent with notice and Trustee Adam Kinney was absent without notice. Mayor Kairina Danforth, present and presiding declared a quorum present.
3. **Citizens' Comments**- No comments were made.
4. **Approval of Agenda**- *Trustee Laki moved and Trustee Byer seconded to approve the agenda as presented. The vote of the trustees present was unanimously in favor, and Mayor Danforth declared the motion carried.*
5. **Water Court Augmentation Conference**- Peter Nichols and Kate Ryan of Berg-Hill-Greenleaf-Ruscitti Attorneys and Associates (BHGR) updated the board on their progress with preparing an augmentation plan. Explanations and discussions included the following points:
  - Review of previous visit last year and the complexity of water replacement.
  - Groundwater rules to be filed in court and pending trial set for January 2018
  - Evaluation of Town of Crestone wells and research on historical water pumping and future build out usage, which would still be very low (1.4 acre/ft. annually).
  - Replacement water obligation and depletions regarding San Luis Creek (various options to replenish by water trade, hay or monetary cash replacement will be required)
  - Replacement on Crestone Creek (not a detriment-research showed positive results creating offset in Town's benefit)
  - The town's effluent collections sent to the Baca Grande Wastewater treatment helps the Crestone Creek depletions for alluvial (shallow) flow.
  - Having our own wastewater treatment plant would not help depletions to San Luis Creek where it is needed
  - Explanation of offset versus replacement water which only needs replacement from April-October
  - Importance of all municipalities in the valley communicating and working together for the benefit of all and to reduce costs

- A sub-district under the Rio Grande Water Conservation District will soon be formed
- Exempt wells, such as privately owned single households, cannot be counted towards our Town water
- Possibility of trading a town well no longer in use as part of the augmentation plan
- Additional costs expected for Clearwater Solutions to create engineering report and spreadsheet for submission to the water court and having Attorney Nichols' define scope of work and cost to the Town

Peter Nichols made these recommendations to the board members:

- For the Town to pursue a contract with the sub-district that will be part of the total adjudicated augmentation plan filed in state water court
- If an IGA with the sub district is created then the Town will pay them money for replacement water without being a member of the sub-district
- Nichols will contact Rio Grande Water Conservation District on the Town's behalf
- The attorneys will work on a "post pumping depletions" plan in case the Town ever had to totally stop pumping water from its wells (as is required for the third part of the augmentation plan).

*Trustee Laki moved and Trustee Byer seconded to authorize Peter Nichols of BHGR Attorneys and Associates to draft and file an augmentation plan to the State Water Court on behalf of the Town of Crestone in order to comply with State groundwater rules and regulations; and furthermore, to authorize Peter Nichols to work with the engineers at Clearwater Solutions to develop a scope of work and a budget for the Town to complete this augmentation plan in support of the filing and adjudication in State Water Court, which will be approved by the Town Board of Trustees. The vote of the trustees present was unanimously in favor, and Mayor Danforth declared the motion carried.*

**6. Ordinance #2017-002- Amending Ordinance #2017-001 Nuisance Code.**

It was noted by Attorney Farish that the Nuisance ordinance passed in January 2017 was missing the information regarding abandoned, deteriorated, unfinished and unsafe buildings. A new ordinance amending the error was presented.

*Trustee Byer moved and Trustee Laki seconded to adopt Ordinance #2017-002, an ordinance amending Ordinance #2017-001, to include identifying, making illegal, and abating certain nuisances. The vote of the trustees present was unanimously in favor, and Mayor Danforth declared the motion carried.*

**7. Adjourn- Trustee Laki moved and Trustee Bairstow seconded to adjourn the meeting at 3:30 pm. The vote of the trustees present was unanimously in favor, and Mayor Danforth declared the motion carried.**

Allyson Ransom  
Allyson Ransom, Clerk

Kairina Danforth  
Kairina Danforth, Mayor